

PTO/SB/64 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

101324.0001US1

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FEB 28 2005**

First named inventor Benjamin La Borde

Application No.: 10/036,893

Art Unit: 2834

Filed: 01/04/2002

Examiner: Tran N. Nguyen

Title: Super Conducting Action Motor (acronym SCAM): Electrical Apparatus for Generating a One-directional
(ie reactionless) Force, with Applications in Space Vehicle Propulsion

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE A grantable petition requires the following items

- (1) Petition fee,
- (2) Reply and/or issue fee,
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of Response After Final (identify type of reply)

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 700.00

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (08-04)

Approved for use through 07/31/2006 OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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3 Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4 STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

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Signature

2/25/05
Date

Robert D. Fish
Typed or printed name

33,880
Registration Number, if applicable

Rutan & Tucker, LLP, P.O. Box 1950, 611 Anton Blvd., 14th Floor
Address

(714) 641-5100
Telephone Number

Costa Mesa, CA 92628-1950
Address

Enclosures ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306

Date

Signature

Collene Houston
Typed or printed name of person signing certificate

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008 OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Effective on 12/08/2004 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818) FEE TRANSMITTAL For FY 2005 | | Complete if Known Application Number: 10/036,893 Filing Date: January 4, 2002 First Named Inventor: Benjamin La Borde Examiner Name: Tran N. Nguyen Art Unit: 2834 Attorney Docket No: 101324.0001US1 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 | | | |
| TOTAL AMOUNT OF PAYMENT | (\$) | 750.00 | |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 502191 Deposit Account Name: Rutan & Tucker, LLP
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|-----------------------------------------------------------------------|---------------------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| Total Claims | Extra Claims | Fee (\$) |
| - 20 or HP = | x | = |
| HP = highest number of total claims paid for, if greater than 20 | | |
| Indep. Claims | Extra Claims | Fee (\$) |
| - 3 or HP = | x | = |
| HP = highest number of independent claims paid for, if greater than 3 | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets: _____ Extra Sheets: _____ Number of each additional 50 or fraction thereof: _____ Fee (\$): 125.00 Fee Paid (\$): 0.00


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) Petition for Revival of Application Unintentionally Abandoned

Fees Paid (\$)

750.00

| | | | | | |
|-------------------|-------------------------------------------------------------------------------------|------------------|--------|-----------|--------------|
| SUBMITTED BY | | Registration No | 33,880 | Telephone | 714-641-5100 |
| Signature |  | (Attorney/Agent) | | Date | 2/28/05 |
| Name (Print/Type) | Robert D. Fish | | | | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 28 2005

In re Application of Benjamin La Borde

Application No.: 10/036,893

Filing Date: January 4, 2002

Atty. Docket No.: 101324.0001US1

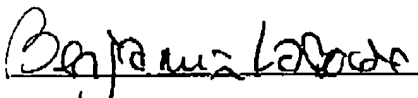
Title: Super Conducting Action Motor (acronym SCAM): Electrical Apparatus for Generating a One-directional (i.e. reactionless) Force, with Applications in Space Vehicle Propulsion

STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)


Applicant, hereby states that the entire delay in filing a proper response in the above referenced, due by February 26, 2004, until the filing of the attached petition pursuant to 37 CFR 1.137(b) was unintentional.

I filed the application and have been prosecuting the application in pro per without the assistance of an attorney. I filed a response to the Final Rejection on November 10, 2003. I was unaware that I needed to file a further response after the Advisory Action was mailed on January 12, 2004. Because the title of the document is Advisory Action, I assumed it was not necessary to respond.

I did not receive the Notice of Abandonment issued April 1, 2004 and only found out that my application had become abandoned when in February 2005 I reviewed the status of my application on the PAIRS website. Since learning of the abandonment I have hired an attorney to revive and prosecute my application on my behalf.



Benjamin La Borde



Date